

REMARKS

Claims 1-19 are pending in this application. Applicants acknowledge, with appreciation, the Examiner's indication that claims 5-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claims 1, 3, 18 and 19 have been amended, but the claimed scope is not narrowed for any reason relating to patentability. Specifically, Applicants have replaced the limitation "a communication" with --a power line communication-- in claims 1, 18 and 19. It is noted that the limitation "power line communication" is originally recited in lines 7 in claim 1, lines 5-6 in claim 18, and line 1 in claim 19, and therefore, this amendment does not generate any new matter or any new issue for that matter. The amendment of claim 4 has been made to remove an antecedent basis issue. Accordingly, entry of the present Amendment is solicited pursuant to 37 C.F.R. §1.116.

Claims 1-4, 9-14, 18 and 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Takada et al.

In the statement of the rejection, the Examiner asserted that Takata et al. discloses a spread spectrum transmission system identically corresponding to what is claimed. This rejection is respectfully traversed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See EMI Group N. Am., Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 60 USPQ2d 1423 (Fed. Cir. 2001); *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54

USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

In response, Applicants submit that Takata et al. does not disclose performing a power line communication in a first signal mode and a second signal mode, recited in independent claims 1, 18 and 19. Each claim requires that an electric device is configured to be plugged into one of power outlets, and perform a power line communication in a first signal mode and a second signal mode, with another electric device. The first signal mode is a power line communication between electric devices connected to a built-in power line. The second signal mode is a power line communication between an electric device connected to the built-in power line and an electric device not connected to the built-in power line via an in-house external power line.

Takata et al. shows in Figs. 1 and 2 that a system has blocking filter 4 including electric plug 5a which can be plugged to plug socket 104 on commercial power line 101a (or 101b). Blocking filter 4 also includes plug socket 4a which is plugged to electric plug 5b for terminal connection 6. Load devices 105, 107, 108 and PCs 110, 111 are connected to terminal connection 6 through spread spectrum communication terminal apparatus 3a, 3b, 3c, and 3d. PCs 110, 111 communicate with devices 105, 107, 108 through alternating current power supply lines for communication 10 and 11. Further, PC 110 and PC 111 communicate each other through LAN 112.

In the statement of the rejection, the Examiner asserted that the communication between PC 110 and PC 111 is conducted in the claimed first signal mode, and the communication between PC 110 (PC 111) and the devices 105, 107, 108 is conducted in the claimed second signal mode.

However, PC 110 and PC 111 of Takata et al. cannot perform a power line communication in the claimed first signal mode. As mentioned above, the claimed invention requires performing the power line communication in the first and second signal modes. The first signal mode is a power line communication between electric devices connected to a built-in power line. In contrast, PC 110 and PC 111 of Takata et al. are connected through LAN 112, and communicate with each other through LAN 112 (Fig. 1, column 2, lines 38-42; and column 8, lines 19-24). Accordingly, the communication between PC 110 and PC 111 is not the power line carrier communication.

In more detail, PC 110 and PC 111 are connected physically through alternating current power supply lines for communication 10 and 11, and commercial electric power lines 101a and 101b (Fig. 1 of Takata et al.). PC 110 and PC 111 are not allowed to communicate with each other through those lines. Takada et al. has blocking filters 4 each placed between line 10 and line 101a and between 11 and line 101b. Blocking filters are configured to prevent external leakage of a power line carrier signal to commercial electric power lines 101a and 101b (see column 6, lines 21-25). Therefore, PC 110 and PC 111 cannot communicate with each other through those power lines.

Applicants submit that an electric device in the claimed invention is configured to perform the power line carrier communication not only in the first signal mode, but also in the second signal mode. However, in Takata et al., it is not possible to perform a power line carrier communication between a device connected to commercial electric power line 101a and another device connected to commercial electric power line 101b, i.e., PC 110 and PC 111, in the claimed first signal mode.

Accordingly, the above-described fundamental differences between the claimed invention and Takata et al. undermine the factual determination that Takata et al. identically describes the claimed invention within the meaning 35 U.S.C. §102. Applicants, therefore, submit that the imposed rejection of claims 1, 18 and 19 under 35 U.S.C. §102(b) for lack of novelty as evidenced by Takata et al. is not factually viable. It is also noted that dependent claims 2-4 and 9-14 are patentably distinguishable at least because they include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Takata et al.; and claims 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Takata et al. in view of Motoori.

In response, Applicants submit that claims 8 and 15-17 are patentably distinguishable at least because they include all the limitations recited in independent claim 1. Applicants further note that Motoori does not cure the deficiencies of Takata et al. Accordingly, even if Takata et al. and Motoori are assumed to be combinable for the sake of this response, the applied combination does not teach or suggest the claimed invention in independent claim 1, and dependent claims 8 and 15-17 depending on claim 1. Therefore, withdrawal of the rejection of claims 8 and 15-17 is respectfully solicited.

Conclusion.

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Recognition Under 37 CFR 10.9(b)

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Expires: June 1, 2006



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